

MARINO, TORTORELLA & BOYLE, P.C.

KEVIN H. MARINO
JOHN D. TORTORELLA
JOHN A. BOYLE

ROSEANN BASSLER DAL PRA*
EREZ J. DAVY*
MICHAEL J. FLYNN

ATTORNEYS AT LAW
437 SOUTHERN BOULEVARD
CHATHAM, NEW JERSEY 07928-1488
TELEPHONE (973) 824-9300
FAX (973) 824-8425
www.khmarino.com

875 THIRD AVENUE, 21ST FLOOR
NEW YORK, NEW YORK 10022
TELEPHONE (212) 307-3700
FAX (212) 542-3790
e-mail: kmarino@khmarino.com
*OF COUNSEL

April 10, 2025

VIA ECF

Honorable Zahid N. Quraishi, U.S.D.J.
District of New Jersey
402 East State Street
Trenton, NJ 08608

Re: *Jett Elad v. National Collegiate Athletic Associate,*
Case No. 3:25-cv-01981-ZNQ-JTQ

Dear Judge Quraishi:

By Order dated April 8, 2025, the Court ordered Plaintiff's proposed schedule and structure for the April 16, 2025 hearing in this action, included that "[t]he parties will both treat their experts' declarations as their direct testimony, will call their experts as live witnesses at the hearing for cross examination on those declarations, and will conduct any redirect examination live." (ECF No. 14.) The NCAA has now submitted reports from two experts: (1) the Declaration of Dr. Matthew Backus, submitted with its March 27, 2025 opposition brief; and (2) the Rebuttal Report of Dr. Frederick A. Flyer, submitted with its April 9, 2025 Sur-Reply. We respectfully request that, by "So Ordering" this letter, your Honor order the NCAA to confirm that (a) Dr. Backus and Dr. Flyer will both be present in the courtroom on April 16, 2025; (b) the reports submitted by Dr. Backus and Dr. Flyer will constitute the direct testimony of each expert; and (c) each expert will be available for live cross-examination at the April 16 hearing.

Also, we respectfully provide notice that the three witnesses we will be presenting for live testimony at the April 16 hearing are: (1) Plaintiff Jett Elad; (2) Plaintiff's expert, Joel G. Maxcy, Ph.D; and (3) Gregory Schiano, Head Coach of the Rutgers University football team. As the Court has ordered, Dr. Maxcy's expert report will serve as his direct testimony and he will be present in court for cross-examination after being qualified as an expert.

Thank you for your consideration of this submission.

Respectfully submitted,


Kevin H. Marino

cc: Duvol M. Thompson, Esq.
Kenneth L. Racowski, Esq.

SO ORDERED:

Honorable Zahid N. Quraishi, U.S.D.J.